

REMARKS

Claim 25 has been amended to correct a typographical error therein.

Applicant believes that the above change answers the Examiner's objection to the claim, and respectfully requests withdrawal thereof.

The Examiner has finally rejected claims 1-4, 8-10, 12-18, 22-25 and 27-29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,754,696 to Kamath et al. The Examiner has further finally rejected claims 6, 11, 20 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kamath et al. in view of Applicant's Admitted Prior Art (AAPA), i.e., paragraphs [0006]-[0007] of U.S. Patent Application Publication No. US 2002/0122116 A1, corresponding to the subject application. In addition, the Examiner has rejected claims 5, 7, 19 and 21 under 35 U.S.C. 103(a) as being unpatentable over Kamath et al. in view of U.S. Patent 6,757,705 to Pardikar et al.

The Kamath et al. patent discloses an extended file system in which a user of, for example, a pocket sized personal computer may connect to remote storage to provide an extended file system such as a virtual local drive.

The subject invention relates to a client system for rendering audio-visual signals in a human-perceptible form, e.g., sound signals from a loudspeaker for audio signals, and display

images for visual signals. To that end, the subject invention includes a local database containing such audio-visual signals and a network connection to remote databases also containing such audio-visual signals. In order to alleviate the burden of selecting the local or network input, the subject invention, as claimed in claim 1, includes "said step of selecting a selected input is performed in an automated manner based on at least one predetermined criterion".

The Examiner has indicated that Kamath et al. teaches each of the elements as set forth in claim 1 of the subject application.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant submits that Kamath et al. neither shows nor suggests "if said network input is selected as said selected input, receiving network signal data representing said audio-visual signals at said network input", "outputting at an output said audio-visual signals in a human-perceptible form", "and if said local input is selected as said selected input, selecting, from a local signal database, local signal data representing said audio-

visual signals", and "outputting, at said output, said audio-visual signals in a human-perceptible form".

The Examiner has indicated that these elements of the invention are taught by Kamath et al. at col. 12, lines 11-67 and col. 14, lines 1-10 (receiving network signal data representing said audio-visual signals); col. 2, lines 3-22 and col. 14, lines 1-10 (outputting said audio-visual signals in a human-perceptible form); col. 5, lines 39-57 and col. 13, lines 37-51 (selecting local signal data representing said audio-visual signals); and col. 5, lines 45-57, col. 12, lines 57-62, and col. 13, lines 5-67 (outputting said audio-visual signals in a human-perceptible form).

Applicant has studied the Kamath et al. patent, and particularly those areas noted by the Examiner, and believes that the Examiner is mistaken. In particular, cols. 12 and 14 of Kamath et al. do not even mention audio and/or video (or visual) signals, or that the network signal data represents such audio-visual signals. Further, col. 2, lines 3-22 and col. 14, lines 1-10 of Kamath et al. neither disclose nor suggest outputting audio-visual signals in a human-perceptible form. Similarly, col. 5, lines 39-57 and col. 13, lines 37-51 of Kamath et al., do not mention audio and/or video (or visual) signals, or that the local signal data represents such audio-visual signals. Finally, col. 5, lines 45-57, col. 12, lines 57-62, and col. 13, lines 5-67 of Kamath et al.

neither disclose nor suggest outputting these audio-visual signals in a human-perceptible form.

In response thereto, the Examiner now states:

"Kamath et al teach receiving data from local and remote inputs. Kamath et al teach that the user is able to select how data should be retrieved, either locally or remotely based on the attributes of the data (col.13 line 20 - col. 14 line 5). Kamath et al. also teach the retrieved data is returned to a user in "human-perceptible" form, wherein the user is able to interact with and access the downloaded retrieved data (col. 5 lines 39-57, col. 6 lines 48-57, col. 11 line 39 - col. 12 line 41, col. 20 lines 21-31, col. 30 lines 25-40)."

First, Applicant submits that the Examiner is mischaracterizing the invention. In particular, Applicant's invention is not "the user is able to select how data should be retrieved, either locally or remotely based on the attributes of the data". Rather, claim 1 specifically states "selecting a selected input from at least one local input and at least one network input" and "said step of selecting a selected input is performed in an automated manner based on at least one predetermined criterion". Additionally, Applicant's invention is not "the retrieved data is returned to a user in "human-perceptible" form, wherein the user is able to interact with and access the downloaded retrieved data". Rather, claim 1 specifically states "outputting at an output said audio-visual signals in a human-perceptible form".

Second, the sections noted by the Examiner do not disclose the claimed invention. In particular, Kamath et al., at col. 5, lines 39-57, states:

"In the set-top box implementation, the client devices 54 will normally be physically connected to the servers 76.sub.1 -76.sub.m at all times via the cable/satellite modem 70 therein. Indeed, since broadband is in use, remote files may be quickly accessed by the client, as described below, even though logical connections are preferably made on a per-access basis. In keeping with the present invention, however, the client device provides local storage for caching some of the data maintained at the remote storage device 74, thereby enabling operation without a physical connection. Synchronization may be performed at some later time or on demand. As can be appreciated, this is particularly useful with client devices such as pocket-sized computing devices (e.g., 20), digital cameras, and so forth wherein a physical connection is occasional. Moreover, local caching is generally valuable when dealing with Internet content, as even when physically connected to a provider, the Internet is unreliable and can be susceptible to long delays in transmission and also helps in optimizing bandwidth utilization.";

at col. 6, lines 48-57, states:

"The XFS server portion 92 includes an XFS Access Controller 98, an XFS Permissions manager 100, and an XFS Name Resolution Manager (name services module) 102. The access controller 98 is responsible for receiving primitives from the client and taking actions on them, although when the access controller 98 receives name-server primitives, it routes them to name services module 102. As described below, the access controller 98 translates primitives to appropriate actions to be taken on the file system and sends the response back to the client.";

at col. 11, line 39 to col. 12, line 4, states:

"The user can request typical file system operations on objects via session primitives in a new session, (represented in FIG. 7 by arrows numbered (13-18)). As

shown in FIG. 7, these XFS-related session primitives (arrows (15) and (16)) are generally wrapped in PRIMITIVE\_CALL (arrows (13) and (14)) and PRIMITIVE\_HANGUP (arrows (17) and (18)) primitives, and are set forth in the table below:"

"As described above, the Call and Hangup primitives are used so that the system can scale to large networks, i.e., XFS establishes a connection only to retrieve and submit data, and then closes (hangs up) the connection.

"Thus, unlike existing file systems, when the user requests a file system operation on an object, the extended file system of the present invention evaluates the Local/Remote attribute to determine whether the object can be retrieved locally or needs to be retrieved from remote storage. Any changes to a local object are synchronized with the remote file system, however reads and the like that do not change an object may be performed locally, without any need to communicate with the server. Note that as described below, some files are too large to be stored locally, and such files are marked by setting another attribute, i.e., a "synchronize only" attribute (circled "S" as represented in FIG. 12).

"By way of example, consider a user presented with the locally-downloaded directory listing 110a when the user (or some entity such as a remote server) wants to access (e.g., open) a particular file, e.g., via the path \DIR<sub>2</sub>\DIR<sub>3</sub>\File<sub>11</sub>. When the user selects the DIR<sub>2</sub> directory, or when the path\filename is provided, the system determines from the Local/Remote file attribute that the directory \DIR<sub>2</sub> is remote. For example, in a Windows® CE environment, an application places an API call to the operating system kernel, which passes the request to the file system manager 32 (FIG. 4). In turn, the file system manager 32 (e.g., FSDMGR in Windows® CE) sends the request to the XFSFSD 96, which analyzes the call and calls back to the file system manager 32 with the information (track and sector) needed to locate the attribute information on the XFSDISK 34. Note that the track equals one on a RAMDisk. When the file system manager returns the attribute information, the XFSFSD 96 determines that the directory data stream is remote, and calls the XFSCNT 94 to retrieve the data from the remote server. XFSCNT issues a DIRECTORY primitive to the server and fetches the remote data.";

at col. 20, lines 21-31, states:

"Once the client gets retrieve response, it should verify the crc. If it does not mach, it should re-send the primitive across.

"A Retrieve sequence is terminated by the server with either retrieve response, a return value other than 0 in dwError or length less than the requested length. If the length is less than requested length, a retrieve response is send back. Otherwise, a continue is send back from the server. The client can terminate the retrieve sequence by sending a sectionstart=0 and dwlength=0 with the retrieve request.";

and at col. 30, lines 25-40, states:

"As can be seen from the foregoing detailed description, there is provided a method and system wherein a client device has access to an entire file system with large storage capacity when a physical connection is present, even with limited memory resources. The system and method are fast, efficient, scalable and secure. The client device works with locally-cached data, and thus may work without a physical connection, and then upload any changes at a later time. While the present invention thus provides particular benefit with the Internet, it also provides numerous other benefits to computer users in general. Note further that the present invention need not be limited to hierarchically arranged directories of files, but may alternatively be used with other arrangements of data."

Applicant submits that a review of these sections shows that Kamath et al. neither discloses nor suggests "outputting at an output said audio-visual signals in a human-perceptible form".

In the event that there is a question as to what is meant by "human-perceptible form", Applicant refers to the specification as filed on page 3, lines 27-33, where it is stated "This output device 15 may output the audio-visual signals represented by the

data in any type suitable for human perception, such as sound or images or both."

"Applicant Admitted Prior Art" consists of paragraphs [0006]-[0007] of the subject specification (2002/0122116 A1), which states:

"In the prior art device selecting of audio signals to his liking is a difficult task for the user of the client system, because of the huge amount and variety of audio-data available on the network. Furthermore, the amount of locally stored music is limited, so a perceiver of this local input may perceive an audio-visual piece, like music, a multiple of times, which may be experienced as annoying by the user.

"The user often has to pay for the audio signals stemming from the network input. The cost may for example be associated with the information represented by the audio signal, like the movie or piece of music, or with the connection itself, for example because the user has to pay for usage of the network, for example via a subscription fee. These expenses may easily exceed a maximum amount the user wanted to spent initially."

Applicant submits that contrary to the statement of the Examiner, AAPA neither discloses nor suggests "wherein at least one predetermined criterion (on which the step of selecting selected input is performed in an automated manner is based) is based on a parameter related to the costs of said network signal data".

Rather, AAPA merely cites the problems that a user of the prior art device faces due to the "huge amount and variety of audio-data available on the network" and that, typically, obtaining audio signals from the network incur costs which may easily exceed a user's desired maximum amount.



The Pardikar et al. patent discloses a method and system for client-side caching in which the benefits of caching is described as allowing enabling off-line computing while still retaining data on a server system. The only portion of Pardikar et al. which relates to the subject matter of claim 5, i.e., "wherein said predetermined relation is a ratio of the amount of transmitted local signal data and the amount of transmitted network signal data", is col. 9, lines 55-65, which states:

"The cached file table 84 also includes the length of the file in the cache and the length of the file in the server. This is used by the background thread 83 to check for sparse files, i.e., when the file lengths are the same, the file is complete and may be displayed and otherwise accessed by the user while working offline, otherwise the file is sparse and still needs to be filled. Sparse files are hidden from the user while the user is working offline. The record for each file also includes the caching policy, described above, and an indicator bit as to whether the file is pinned, so that the quota mechanism operates correctly."

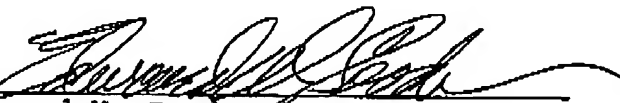
Applicant submits that it should be clear from the above passage that Pardikar et al. is merely comparing the size of a file in cache with the same file in the server to determine whether the server/cached file needs to be updated. Hence, there is selecting of an input based on the ratio of the amount of transmitted local data and the amount of transmitted network data.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious

by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-29, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
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